

**Consideration of preliminary adoption of consolidated amendments to 312 IAC 5-8 that governs restricted boating zones along the Indiana shoreline of Lake Michigan; Administrative Cause No. 14-017L**

312 IAC 5-8 provides boating restrictions on designated portions of Lake Michigan as needed for public and navigational safety. With respect to 312 IAC 5-8-2 for Lake County, improvements to facilities in East Chicago (adjacent to the Jeorse Park Beach Swimming Area) and in Gary (adjacent to the Marquette Park Beach Swimming Area) have caused local modifications to swimming areas so that 2001 geographic descriptions of no-boat zones are no longer compatible. With respect to 312 IAC 5-8-3 for Porter County, the interstate Lake Michigan Water Trail (designated as a National Recreation Trail by the U.S. Department of the Interior in 2011) results in the need for kayakers to use the westerly corridor for ingress and egress to Indiana Dunes State Park.

If the amendments are given preliminary adoption, the proposed changes to the description of the Jeorse Park Beach Swimming Area are likely to undergo refinement in the hearing process. But the proposed changes are conceptually essential. With accretion and movement lakeward of the shoreline resulting at least in part from a new breakwater, the protected swimming area is now a dry-land beach. The hope is the Commission would authorize preliminary adoption with the understanding the Division of Law Enforcement would seek to refine language, in continuing consultation with the parks professionals in East Chicago, which is appropriate to accomplishing the purpose.

Language changes are not proposed for the Marquette Park Beach Swimming Area, but with major improvements to the park, the western boundary of the parking lot has been extended by approximately 500 yards. Although the description is unchanged, the no-boat zone for swimmers would be expanded to reflect the greater recreational opportunity that is afforded along the beach. This expansion would be referenced in the publication of proposed amendments to 312 IAC 5-8-2 and would be discussed at public hearing.

The kayak lane within the existing no-boat zone at Indiana Dunes State Park would be identified with buoys marked "Kayaks Only" (although canoes would also be allowed). This no-swimming zone will provide continued safety for swimmers and access for kayakers. Four buoys would be placed on the western edge of the restricted zone, creating a lane approximately ten yards wide. The kayakers would be directed to use this lane until they clear the buoy line that designates the no-boat zone.

An added benefit is that the buoys forming the kayak corridor create a visible boundary in the water with respect to neighboring Porter Beach, a swim-at-your-own-risk beach, not managed by IDNR. When rip currents or unsafe swim conditions exist, IDSP restricts access to the water. But many visitors cross over from the adjacent Porter Beach, which is not actively managed or lifeguarded. The kayak lane creates a fixed border that allows the DNR to more efficiently keep swimmers out of the IDSP no-boat zone as they drift from entry into Lake Michigan at Porter Beach.

The Kayak corridor also allows Indiana to participate in the Lake Michigan Water Trail and the NIRPC Regional Greenways and Blueways Plan. This is a multi-state effort to not only provide increased access for kayakers to Lake Michigan, but also to provides coordinated directional and interpretive signage for multi-day circuit-kayakers. IDSP is a popular stop and is critical to Indiana's active participation in the 1,000-mile circuit as it is the only Indiana facility along the Lake Michigan Water Trail that provides camping.

Kayakers entering the park from the water would still be required to pay a \$2 entrance fee, similarly to the entry of pedestrians and bikers. They would be given direction by lifeguard, security, or management professionals within IDSP. But the reality is the vast majority of kayakers launch *from* the IDSP, so the DNR collecting the \$5 or \$10 vehicle entrance fee as they arrive in their vehicles.

The recommendation is for the Commission to give preliminary adoption to amendments to 312 IAC 5-8-2 and 312 IAC 5-8-3 as set forth in Exhibit "A".

## EXHIBIT "A"

Consolidated LM Beach Restricted Boating Zones  
Administrative Cause No. 14-017L  
January 11, 2014

### **312 IAC 5-8-2 Lake County waters of Lake Michigan; boating restrictions**

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3; IC 14-29-1-8

Affected: IC 14

Sec. 2. A person must not operate a boat in the following Lake County zones on Lake Michigan:

(1) Near Hammond, adjacent to lands managed by the Hammond Department of Parks and Recreation, at the following locations:

(A) The site known as the Lake Front Beach with:

(i) the western boundary beginning at the Southern Electric Company breakwall and the Lake Michigan shoreline extending lakeward and perpendicular to the shoreline for two hundred (200) feet;

(ii) the eastern boundary beginning at a point one thousand two hundred (1,200) feet from the western boundary and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(iii) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the eastern boundary and the western boundary.

(B) The site known as the Hammond Marina Beach with:

(i) the western boundary beginning at a point two thousand four hundred (2,400) feet east of the Southern Electric breakwall and the Lake Michigan shoreline and extending lakeward and perpendicular to the shoreline for two hundred (200) feet;

(ii) the eastern boundary at the Hammond Marina breakwall and the Lake Michigan shoreline extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(iii) the northern boundary formed by a line running parallel to the shoreline terminating at the lakeward-most points of the eastern boundary and the western boundary.

(2) Near Whiting, adjacent to the Whihala Beach County Park at the following locations:

(A) The site known as the West Swimming Beach with:

(i) the western boundary beginning at the intersection of the Whihala Beach County Park fishing pier and the Lake Michigan shoreline and extending lakeward and parallel to the fishing pier for two hundred (200) feet;

(ii) the eastern boundary beginning at a point three hundred eighty (380) feet east of the western boundary and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(iii) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the eastern boundary and the western boundary.

(B) The site known as the Pocket Beach with:

(i) the western boundary beginning at a point one thousand (1,000) feet east of the Whihala Beach County Park fishing pier and extending lakeward and perpendicular to the shoreline for two hundred (200) feet;

(ii) the eastern boundary beginning at a point five hundred ten (510) feet east of the western boundary and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(iii) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the eastern boundary and the western boundary.

(C) The site known as the East Swimming Beach with:

(i) the eastern boundary beginning at the intersection of the western breakwater of the boat launch facility at Whihala Beach County Park and the Lake Michigan shoreline and extending lakeward and parallel to the breakwater for two hundred (200) feet;

(ii) the western boundary beginning at a point one thousand six hundred (1,600) feet west of the eastern boundary and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(iii) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the eastern boundary and the western boundary.

(3) Adjacent to East Chicago, at a site known as the Jeorse Park Beach Swimming Area with

~~(A) the western boundary being formed by the breakwall of the Jeorse Park Beach front breakwater;~~

~~-(B) the eastern boundary being formed by a north-south line aligned with the rock revetment located at the East Chicago corporation boundary; and~~

~~-(C) the northern boundary being formed by a line running two hundred (200) feet from and parallel to the shoreline and terminating at the eastern boundary and the western boundary~~ **the eastern boundary beginning at a point on the Lake Michigan shoreline formed by extending the eastern boundary of the Jeorse park parking lot in a straight line at approximately Lat. 41° 38' 57.34" North and Long. 87°25'57.21" West; then in a straight line perpendicular to the shoreline for two hundred (200) feet; and then in a straight line in a generally northerly or northwesterly direction to the breakwater southeast of the Ameristar Casino intersecting at approximately Lat. 41°39'4.87"North and Long. 87° 25' 29.64" West.**

.(4) Adjacent to Gary, as follows:

(A) At a site known as the Lake Street Swimming Area with:

(i) the western boundary beginning at the intersection of a line parallel to the eastern edge of the Lake Street parking lot and the Lake Michigan shoreline and extending lakeward and perpendicular to the shoreline for two hundred (200) feet;

(ii) the eastern boundary beginning at a point seven hundred ninety-eight (798) feet east of the western boundary and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(iii) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the western boundary and the eastern boundary.

(B) At a site known as the Marquette Park Swimming Area with:

- (i) the western boundary beginning at the intersection of a line parallel to the western edge of the Marquette Park main parking lot and the Lake Michigan shoreline and extending lakeward and perpendicular to the shoreline for two hundred (200) feet;
- (ii) the eastern boundary beginning at the intersection of the centerline of Montgomery Street and the Lake Michigan shoreline and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and
- (iii) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the western boundary and the eastern boundary.

### **312 IAC 5-8-3 Porter County waters of Lake Michigan; boating restrictions**

Authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3; IC 14-29-1-8

Affected: IC 14

Sec. 3. A person must not operate a boat in the following Porter County zones on Lake Michigan:

(1) Near Gary and Ogden Dunes, at a site adjacent to the Indiana Dunes National Lakeshore known as the West Beach Swimming Area, with:

(A) the western boundary beginning at the intersection of the Lake-Porter County line and the shoreline and extending two hundred (200) feet lakeward along the county line;

(B) the eastern boundary beginning at the intersection of the Ogden Dunes pump house and the shoreline and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(C) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the western boundary and the eastern boundary.

(2) Adjacent to Porter, at a site known as the Porter Beach Association Swimming Area, with:

(A) the western boundary beginning at the intersection of the centerline of Dearborn Street and the shoreline and extending lakeward and perpendicular to the shoreline for a distance of two hundred (200) feet;

(B) the eastern boundary beginning at the intersection of the western edge of State Street and the shoreline and extending perpendicular to the shoreline for two hundred (200) feet; and

(C) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the western boundary and the eastern boundary.

(3) Adjacent to Porter, at a site known as the Porter Beach Swimming Area, with:

(A) the western boundary beginning at the intersection of the western edge of State Street and the shoreline and extending lakeward and perpendicular to the shoreline for a distance of two hundred (200) feet;

(B) the eastern boundary coextensive with the western boundary of the zone established in subdivision (4); and

(C) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the western boundary and the eastern boundary.

However, excluded from this zone is a boat channel, with its western boundary beginning at the intersection of the western edge of Wabash Street and the shoreline and extending entirely through the zone lakeward and perpendicular to the shoreline, and with its eastern boundary beginning at the intersection of the eastern edge of Wabash Street and the shoreline and extending lakeward and parallel to the western boundary of the boat channel.

(4) Adjacent to the Indiana Dunes State Park, at a site known as Indiana Dunes State Park Swimming Area, with:

(A) the western boundary beginning at the intersection of the western park boundary and the shoreline and extending lakeward and perpendicular to the shoreline for two hundred (200) feet;

(B) the eastern boundary beginning at a point one thousand eight hundred (1,800) feet east of the western boundary and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(C) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the western boundary and the eastern boundary.

**However, a nonmotorized kayak or canoe may used for ingress into or egress from Indiana Dunes State Park through a channel that is delineated by buoys for this purpose.**

(5) Near Beverly Shores, at a site adjacent to the Indiana Dunes National Lakeshore and known as the Kemil Beach Swimming Area, with:

(A) the western boundary at the eastern boundary of the Indiana Dunes State Park;

(B) the eastern boundary six hundred (600) feet east of the western boundary and extending lakeward and perpendicular to the shoreline for two hundred (200) feet; and

(C) the northern boundary formed by a line running parallel to the shoreline and terminating at the lakeward-most points of the eastern boundary and the western boundary.